Patent

REMARKS

Applicants note that the Office Action to which Applicants are responding was signed on October 17, 2003. Applicants received the Office Action shortly after October 17, 2003. However, the mailing date on the cover sheet of the Office Action indicated a mailing date of July 28, 2003. A second identical Office Action was mailed on November 20, 2003. Applicants are filing this Amendment After Final within the shortened two month period of time from the mailing of the first Office Action (which would have been October 17, 2003 at the earliest).

In the office action dated October 17, 2003, claims 1-8, 11, 13-14, 16-19 are rejected under 35 USC 103 (a) as being unpatentable over Lukvena (PCT Pub. No. WO 00/25501) in view of Shaughnessy et al. (US Pat. No. 5,928,325 "Shaughnessy"). Claims 1-6, 18-20 are rejected under 35 USC 103 (a) as being unpatentable over Rossmann (US Pat. No. 5,809,415) in view of Wells (US Pat. No. 5,870,683).

Any Combination of Lukvena and Shaughnessy Does Not Lead To Applicants' Invention

In response to the rejection of claims 1-8, 11, 13-14, 16-19 as being unpatentable over Lukvena in view of Shaughnessy, Applicants respectfully submit that the claims are allowable over any combination of Lukvena and Shaughnessy. It is suggested that Lukvena discloses "downloading picture files based upon input from a user entered remote from said cellular phone" (citing col. 12, line 32 – col. 13, line 12) , but that Lukvena fails to disclose downloading picture files by way of a telecommunications network. However, each independent claim includes a step of:

PAGE 3/7 * RCVD AT 12/9/2003 7:00:04 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:630 480 8520 * DURATION (mm-ss):02-26

> changing the display of said plurality of picture files on said cellular telephone based upon input from a user entered remote from said cellular telephone by way of a telecommunications network (emphasis added).

That is, Applicants do not claim "downloading a plurality of picture files," but rather claim changing the display of a plurality of picture files on a cellular telephone, and more importantly, changing the display of picture files based upon input from a user entered remote from the cellular telephone. Neither Lukvena nor Shaughnessy discloses changing the display of a plurality of picture files as claimed by Applicants.

It is suggested in the Office Action that by "updating picture files associated with telephone numbers via email messages from a computer" as described in Shaughnessy, the display of picture files would be changed in accordance with the updated picture files. However, Applicants respectfully submit that employing any teaching of Shaughnessy in Lukvena would not lead to Applicants' invention. In fact, Lukvena teaches away from changing the display of a plurality of picture files remotely. Lukvena specifically describes in Fig. 8 the operation of downloading a graphic image into the phone. In particular, after downloading and storing an image, the user selects the desired image, such as by activating the scroll buttons 120 on the system 100 to move the desired graphic image. After storing any desired numbers with the graphic image, the user can then again use the scroll buttons 120 to select the desired graphic image to place a call, for example. (Page 13, lines 13-39). Accordingly, Lukvena discloses using

—PAGE 4/7 * RCVD AT 12/9/2003 7:00:04 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:630 480 8520 * DURATION (mm-ss):02-26

a user interface on the cellular phone to change the picture files on a display of the cellular telephone, but fails to disclose or suggest changing the display of picture files based upon input from a user entered remote from the cellular telephone.

Similarly, Shaughnessy fails to disclose or suggests changing the display of picture files based upon input from a user entered remote from the cellular telephone. Shaughnessy is cited for downloading digital images by way of a telecommunications network, such as by way of an email. A central agent 15 of Shaughnessy receives an incoming email message directed to an identified recipient. Initially, the central agent 15 will attempt to identify those networks having an available device to which all or part of an email message may be sent. Once the availability of the recipient user devices is determined, the central agent 15 will examine the content of the email message to determine what portions of the message to send to the various devices. However, Shaughnessy fails to overcome the deficiencies of the primary reference by failing to disclose or suggest changing the display of a plurality of picture files based upon input from a user entered remote from the cellular telephone. Shaughnessy merely discloses a system where a central agent determines what portion(s) of a message to send to particular devices. Accordingly, any combination of Lukvena and Shaughnessy would not lead to Applicants' invention.

Any Combination of Rossmann and Wells
Does Not Lead To Applicants' Invention

In response to the rejection of claims 1-6, 18-20 as being unpatentable over Rossmann in view of Wells, Applicants respectfully submit that the claims are also allowable over any combination of Rossmann in view of Wells. Rossmann is directed to a wireless

—PAGE 5/7 * RCVD AT 12/9/2003 7:00:04 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:630 480 8520 * DURATION (mm-ss):02-26

communication device (such as a data ready cellular telephone or a two-way pager) which communicates via a two-way data communication network with a server on a computer network, such as a corporate wide area network, a corporate local area network, or the Internet. The wireless communication device utilizes a client module to transmit messages to the server. The server processes the message and transmits a response over the two-way data communication network to the client module. The client module interprets the response and presents the response to the user via a structured user interface. (Col. 4, lines 29-46). An important aspect of this invention is that the message from the server includes all information necessary for the client module to generate the user interface for the wireless communication device.

However, Rossmann also teaches away from Applicants' invention. In describing an application of the invention in Fig. 2, Rossmann teaches that a user enters data using only the standard cellular telephone keypad. Because a suitable user interface is generated on the wireless communication device, the need for a computer keyboard or for a sophisticated touch screen that recognizes motion of a pointing object is eliminated. (Col. 14, Lines 44-48). For example, the wireless communication device could include a text prediction process to reduce the number of key strokes required to enter text data. (Col. 14, Lines 52-54). In addition, since all the information needed by the client to generate a user interface and all information necessary for the wireless communication device to respond to any input data is included in the message, the computer server does not retain any state information concerning the information transmitted to the wireless communication device. (Col. 10, Lines 41-47). Therefore, Rossmann fails to teach changing the display of a plurality of picture files on a cellular telephone based upon input from a

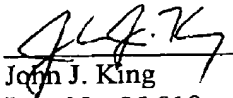
-PAGE 6/7 * RCVD AT 12/9/2003 7:00:04 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:630 480 8520 * DURATION (mm-ss):02-26

user entered remote from the cellular telephone as claimed by Applicants.

Wells is cited for disclosing a program for displaying a plurality of picture files. However, Wells also fails to disclose or suggest changing the display of a plurality of picture files on the cellular telephone based upon input from a user entered remote from the cellular telephone, and therefore fails to overcome the deficiencies of the primary reference Rossmann. Accordingly, any combination of Rossmann and Wells would not lead to Applicants' invention.

For the reasons set forth above, Applicants respectfully submit that the claims as amended are clearly in allowable form.

Respectfully submitted,



John J. King
Reg. No. 35,918
Telephone: (630) 480-8520

LAVAFLOW, LLP
1481 Cantigny Way
Wheaton, Illinois 60187

--PAGE 7/7 * RCVD AT 12/9/2003 7:00:04 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:630 480 8520 * DURATION (mm-ss):02-26